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REMARKS

Claims 1-5, 8-16, 19-25, 28-34, 37-43, 46-52 and 55-63 are pending in the present application, of which claims 1, 5, 9, 13, 16, 19, 22, 25, 28, 31, 34, 37, 40, 43, 46, 49, 52, 55, 58, 60 and 62 are amended and are independent. Applicant believes that the present application is in condition for allowance, which prompt and favorable action is respectfully requested.

I. CLAIM STATUS IDENTIFIER

Applicant thanks the Examiner for pointing out the typographical error in the status identifier of claims 58-63. The status of claims 58-63 have been updated accordingly.

II. REJECTION UNDER 35 U.S.C. §103

The Examiner rejected claims 1-5, 8-16, 19-25, 28-34, 37-43, 46-52 and 55-63 under 35 U.S.C. §103 as being unpatentable over U.S. Patent Re. 33,189 issued to Lee et al. (hereinafter "Lee") in view of Handbook of Applied Cryptography by Menezes et al. (hereinafter "Menezes"). In view of the amendments to independent claims 1, 5, 9, 13, 16, 19, 22, 25, 28, 31, 34, 37, 40, 43, 46, 49, 52, 55, 58, 60 and 62, the rejection is moot.

Particularly,

To establish a prima facie case of obviousness for a claimed invention, all the claim elements must be taught or suggested by the prior art. (MPEP 2143.03)

Lee teaches encrypting and sending a key based on a user specific ID code. Applicant maintains that the user specific ID codes are set in subscriber receiver at installation and are not distributed. However, assuming for the purpose of argument, that the user specific ID code is a distributed, Lee does not teach distributing over-the-air as in claims 1, 22, 40 and 58. Similarly,

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Lee does not teach distributing and receiving, over-the-air, keys as in claims 5, 25, 43 and 60.

Lee does not teach receiving and sending, over-the-air, of keys as in claims 9, 13, 16, 19, 28, 31, 34, 37, 46, 49, 52, 55, 58, 60 and 62-63.

Therefore, Applicants respectfully submits that the Examiner has failed to set forth a *prima facie* case of obviousness.

Also, claims 2-4, 8, 10-12, 14-15, 20-21 23-24, 29-30, 32-33, 38-39, 41-42, 47-48, 50-51, 56-57, 59, 61, and 63 depend from and include all the elements cited in the independent claims 1, 5, 9, 13, 16, 19, 22, 25, 28, 31, 34, 37, 40, 43, 46, 49, 52, 55, 58, 60 and 62, respectively.

Therefore, Applicants submit that these claims are believed to be allowable based on their dependency from an allowable base claim as well as other novel features included therein.

For at least the foregoing reasons, Applicant respectfully requests a withdrawal of the rejection under 35 U.S.C. §103.

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CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: July 5, 2006

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